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AUSTIN

January 6th, 1939

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Mr. Dan W. Jackson
Criminal District Attorney
Houston, Texas

Dear Mr. Jackson: Opinion No. 0-13

Re: Validity and Application
of Articles 1569-1572 of the
Texas Penal Code where the
Federal Hours of Service Law
is applicable.

Your request for an opinion as to
the validity and applicability of Articles 1569-
1572 of the Texas Penal Code, as amended in 1933,
to cases involving women who are employed by rail-
roads in the transportation of interstate commerce,
has been received by this office.

We have referred to your letter and
examined both the state and federal statutes and
the authorities therein set out, and we agree that
Congress having made clear its purpose to regulate
employment which is in direct connection with inter-
state commerce and having so occupied the field, the
regulating power of the state ceased to exist at
the time Congress so entered the field.

It would seem, therefore, that
prosecution under the state act is limited to vio-
lations occurring in respect to intrastate trans-
actions only, and that you should not prosecute
cases under the state law when the Federal Hours
of Service Act is applicable.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By

Assistant

RC:ob

APPROVED:

ATTORNEY GENERAL OF TEXAS